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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,162	08/28/2003	Isao Sakurai	6667/28	7065

757 7590 11/02/2005

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EXAMINER	
NORDMEYER, PATRICIA L	

ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,162	SAKURAI ET AL.	
	Examiner	Art Unit	
	Patricia L. Nordmeyer	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 103 rejection of claims 1 – 15 over Kondo in view of Shikinami et al. in the office action dated February 22, 2005 is withdrawn due to Applicant's arguments in the response dated August 24, 2005.

New Rejections

Claim Objections

2. Claim 17 is objected to because of the following informalities: the densities for the two materials, the polyethylene and olefin-based thermoplastic elastomer are switched when compared to the information in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo (USPG Pub 2002/0192462) in view of Shikinami et al. (USPN 4,855,077) and Shinji et al. (JP 2000-119411).

Kondo discloses a pressure sensitive adhesive article (Page 1, Paragraph 002) with a pressure sensitive adhesive layer (Page 2, Paragraph 0024, line 3) mainly formed of polyurethane resin (Page 2, Paragraph 0031, line 5) and a releasing agent layer having a tension of less than 5N/25 mm or less (Page 3, Paragraph 0045, lines 6 – 9) as stated in claims 1, 2 and 3. With regard to claim 4, the article contains a base material on which the pressure sensitive adhesive layer is provided (Page 2, Paragraph 0024, line 2) and a release sheet including a release sheet material on which the releasing agent layer is provided, the release sheet being removably attached to the pressure sensitive adhesive layer of the pressure sensitive adhesive sheet through the releasing agent layer (Page 3, Paragraph 46). The pressure sensitive adhesive layer contains silicone compound wherein the content is less than 500 g/m^2 (Page 3, Paragraph 0040) as in claim 5, and the base material of the pressure sensitive adhesive sheet is formed from a plastic film (Page 3, Paragraph 0047) as in claim 8. However, Kondo fails to disclose a releasing agent layer mainly formed of polyolefin adhered to the pressure sensitive layer with a wet tension test defined by JIS K 6768, the polyolefin resin having a density of equal to or less than 0.94 g/cm^3, the amount of the gas generated from the pressure sensitive adhesive sheet is equal to or less than 20 mg/m^2, the pressure sensitive adhesive sheet contains ions from a select group in an amount equal to or less than 20 mg/m^2, an antistatic layer provided on one or both of the surfaces of the base material and wherein the pressure sensitive adhesive article is a pressure sensitive adhesive tape which comprises a base material having both surfaces, the pressure sensitive adhesive layer provided on one of the surfaces of the base material and the releasing agent layer provided on the other surface of the base material, wherein the pressure sensitive adhesive tape being wound in a roll form until it is used.

Shikinami et al. teach an antistatic layer provided on one or both of the surfaces of the base material (Column 4, lines 62 – 64) in combination with ions from a select group in an amount equal to or less than 20 mg/m^2 (Column 13, lines 10 – 26) in a pressure sensitive adhesive article, wherein the article is a pressure sensitive adhesive tape which comprises a base material having both surfaces, the pressure sensitive adhesive layer provided on one of the surfaces of the base material and the releasing agent layer provided on the other surface of the base material, wherein the pressure sensitive adhesive tape being wound in a roll form until it is used (Column 4, lines 57 – 58) for the purpose of using the adhesive material as a sticking agent for sticking tapes having an antistatic sticking layer in the fields of industry, agriculture, packaging and electronics (Column 1, lines 30 – 33).

Shinji et al. teach a releasing agent layer mainly formed of polyolefin adhered to the pressure sensitive layer with a wet tension test defined by JIS K 6768, the polyolefin resin having a density of equal to or less than 0.94 g/cm^3 (Patent Abstract, line 5) and an elastomer whose density is 0.9000 – 0.922 g/cm^3 (Patent Abstract, lines 5 – 6) having a molecular weight of 15,000 – 500,000 (Patent Abstract, line 6)for the purpose of forming a releasing liner usable in the electronic field (Patent Abstract, lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the ions from the select group, an antistatic layer and a tape in a rolled form in Kondo in order to have a adhesive material as a sticking agent for sticking

tapes having an antistatic sticking layer in the fields of industry, agriculture, packaging and electronics as taught by Shikinami et al. and Shinji et al.

In regards to the limitations of a wet tension test defined by JIS K 6768, the amount of the gas generated from the pressure sensitive adhesive sheet is equal to or less than 20 mg/m^2 in claims 1 – 3, 6, 12 and 15, one of ordinary skill in the art would have recognized the claimed pressure sensitive article would have a wet tension test defined by JIS K 6768, the amount of the gas generated from the pressure sensitive adhesive sheet is equal to or less than 20 mg/m^2 since Shinji et al. teach a pressure sensitive article having the same parameters as the claimed invention. Therefore, one of ordinary skill in the art would readily determine the tension, density and amount of gas generated depending on the end desired results in the absence of unexpected results.

In regards to the limitations of the olefin-based thermoplastic elastomer is selected from the group consisting of an ethylene-propylene copolymer and an ethylene-octene copolymer in claim 18 and the polyurethane resin comprising a resin obtained by reacting a polyol and a polyisocyanate in claim 22, the combination of Kondo, Shikinami et al. and Shinji et al. disclose the claimed invention except for the specific materials of the elastomer and polyurethane. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the specific materials as the elastomer and to make the polyurethane, since it has been held to be within the general skill of a worker in the art to select a known material on the

basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

5. Applicant's arguments, with respect to claims 1 – 15 have been fully considered and are persuasive. The rejection of claims has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln

HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

10/31/05